

1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
2 IN AND FOR THE COUNTY OF YUMA  
3

FILED  
2013 OCT -1 AM 11:30  
LYNN FAZZ  
CLERK OF SUPERIOR COURT  
YUMA ARIZONA 85364

4 IN RE THE MATTER OF ) ADMINISTRATIVE ORDER  
5 THE DEFERRAL OR WAIVER ) No. 2013-21  
6 OF COURT FEES )  
\_\_\_\_\_ )

7 WHEREAS, the Yuma County Judiciary is committed to due process and court access  
8 regardless of a party's ability to pay fees, and


9 WHEREAS, Arizona law (A.R.S. §12-302) authorizes the Court to grant a deferral or  
10 waiver of fees under specific circumstances, and

11 WHEREAS, Arizona Supreme Court Administrative Order 2009-01 provides the  
12 procedures to administer this law uniformly and in a way that protects the interests of all citizens  
of Yuma County,

13 IT IS ORDERED adopting the attached protocol for use by the Clerk of Superior Court  
14 in Yuma County and the Judicial Assistance Unit of Superior Court.

15 This Order is effective October 1, 2013.

16  
17 Dated this: 30<sup>th</sup> day of September, 2013

18   
19 Honorable John N. Nelson  
20 Presiding Judge

21 Original:  
22 Hon. Lynn Fazz, Clerk of Superior Court

23 Copies:  
24 Judge Larry Kenworthy  
25 Judge John Paul Plante  
26 Judge Mark Wayne Reeves  
27 Judge Maria Elena Cruz  
28 Judge David M. Haws  
Commissioner/Judge Pro Tempore Kathryn Stocking-Tate  
Commissioner/Judge Pro Tempore Stephen J. Rouff  
Commissioner/Judge Pro Tempore Lisa Bleich  
Judge Jorge Lozano, Justice Court Precinct #2

1 Judge Greg Stewart, Justice Court Precinct #1  
2 Judge Russ Jones, Justice Court Precinct #3  
3 Judge Pro Tempore Yolanda Torok, Justice Court Precinct #1  
4 Judge Douglas Stanley  
5 Judge Pro Tempore Jeanette Umphress  
6 Judge Manual Figueroa  
7 Judge Rosendo Morales  
8 Robert Pickels, Yuma County Administrator  
9 Margaret C. Guidero, Court Administrator  
10 Kathleen M. Schaben, Trial Court Administrator  
11 Imelda Figueroa, Court Budget Manager  
12 Cesar Fazz, Judicial Assistance Unit Manager  
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## Protocol for the Processing of Requests to Defer/Waive Court Fees

### **Introduction**

The following protocol establishes a multi-tiered framework for objectively determining the eligibility of a person who requests a deferral and/or waiver of court fees (hereinafter referred to as "litigant".) This methodology is designed to be used by the Court staff who are appointed as Special Commissioners for the specific purpose of ruling on such requests. This protocol clarifies the statutory process described in A.R.S. §12-302.

### **Requests for Deferral/Waiver of Court Fees**

- I. Upon the submission of the court-approved application for deferral/waiver of court fees, and affirmation by the litigant that all information contained within is accurate under penalty of perjury, the Special Commissioner shall examine the application for information regarding the income and expenses of the litigant, as well as any reference to the litigants' participation in a government assistance program.

If any part of the application is incomplete and hinders the ability of the Special Commissioner to properly analyze the litigant's financial situation, the Special Commissioner shall require the litigant to complete the application. If the litigant chooses not to complete the application, the Special Commissioner shall deny the application and return it to the party requesting the deferral.

- II. After examining the proof of current enrollment or the relevant financial information received within the application for deferral/waiver of court fees, the Special Commissioner shall determine which of the following tiers is most applicable given the litigant's financial circumstances.

Litigants who are eligible for Tiers 1, 2, and 3 will be required to enter into a payment contract with the court.

#### **A. Tier 0 - Eligible for waiver at the outset of the case**

##### **Eligibility Attributes**

Proof of current enrollment in the supplemental social security income (SSI) program under Title XVI of the Social Security Act. The litigant must present an eligibility letter at the time the litigant is seeking the waiver. If the letter is not presented, the party will not receive the waiver status.

#### **B. Tier 1**

##### **1. Eligibility Attributes**

- a. The litigant provides proof of current enrollment (an award/eligibility letter or verification card) in one or more of the following programs:

- The U.S. Temporary Assistance for Needy Families (TANF.)
- The U.S. Food Stamp Program (which has been renamed Supplemental Nutrition Assistance Program or SNAP.)
- b. The litigant's income is 150% or less of the current U.S. Poverty Guidelines as established by the Department of Health and Human Services (HHS.)

2. Payment Requirements

- a. Deferral is granted until the end of the case, with no payment required at the time of application.
- b. To request a payment plan or waiver of relevant fees at the end of the case, the litigant must file a supplemental application at the court location where the case was originally filed.
- c. At the end of the case, Judicial Officers shall, based on the application filed, make a determination about the payment or waiver of court fees.
- d. If no supplemental applicant is filed (under section 11.B.2.b of these procedures) a letter will be sent to the litigant stating that the relevant fees are due in full within 30 days of receipt or collections activities will be initiated.
- e. Pursuant to Arizona Supreme Court Administrative Order 2009-01, a filing fee was approved for all applications for deferral or waiver of court fees. The current fee is \$27 and unless this fee is waived, it is payable at the end of the case.

3. Delinquent Account Consequences

- a. If an account becomes delinquent, it will be subject to appropriate and reasonable collections efforts by the Judicial Assistance Unit of Superior Court in Yuma County.
- b. The account will also be referred to the Debt Setoff program of the Arizona Department of Revenue (also known as the Arizona Tax Refund Intercept Program.)

C. Tier 2

1. Eligibility Attributes

The litigant's income is greater than 150%, but less than 175% of U.S. Poverty Guidelines.

1  
2           2.     Payment Requirements

3           a.     Pursuant to Arizona Supreme Court Administrative Order  
4                   2009-01, a filing fee was approved for all applications for deferral  
5                   or waiver of court fees. The current fee is \$27 and it is payable at  
6                   the onset of a case.

7           b.     The agreed upon monthly payment will be due from the litigant  
8                   until the balance of the court debt is paid.

9           3.     Delinquent Account Consequences

10          a.     If an account becomes delinquent, it will be subject to appropriate  
11                  and reasonable collections efforts by the Judicial Assistance Unit  
12                  of Superior Court in Yuma County

13          b.     The account will also be referred to the Debt Setoff program of the  
14                  Arizona Department of Revenue (also known as the Arizona Tax  
15                  Refund Intercept Program.)

16     **D.   Tier 3**

17           1.     Eligibility Attributes

18                  The litigant's income is greater than 175%, but less than 225%, of U.S.  
19                  Poverty Guidelines.

20           2.     Payment Requirements

21           a.     Pursuant to Arizona Supreme Court Administrative Order 2009-01,  
22                  a filing fee was approved for all applications for deferral or waiver  
23                  of court fees. The current fee is \$27 and it is payable at the onset  
24                  of a case.

25           b.     An additional payment of no less than 25% of the filing fee is due  
26                  at the time of filing.

27           c.     The agreed upon monthly payment will be due from the litigant  
28                  until the balance of the court debt is paid.

29           3.     Delinquent Account Consequences

30           a.     If an account becomes delinquent, it will be subject to appropriate  
31                  and reasonable collections efforts by the Judicial Assistance Unit  
32                  of Superior Court in Yuma County.

33           b.     The account will also be referred to the Debt Setoff program of the  
34                  Arizona Department of Revenue (also known as the Arizona Tax  
35                  Refund Intercept Program.)

1       **E. Tier 4 - Ineligible for deferral/waiver**

2           1. Eligibility Attributes

3               The litigant's income is greater than 225% of the U.S. Poverty Guidelines.

4           2. Payment Requirements

5               a. Pursuant to Arizona Supreme Court Administrative Order  
6                   2009-01, a filing fee was approved for all applications for deferral  
                  or waiver of court fees. The current fee is \$27 and it is payable at  
                  the onset of a case.

7               b. Payment of the entire filing fee is due at the time of filing or the  
8                   litigant will not be allowed to file.

9       **III. Judicial Review/Supplemental Application**

10       A. Review of determination of initial application

11           If the litigant contests the order of the Special Commissioner, the litigant may  
12           request a review by a judicial officer. After reviewing the application and  
13           interviewing the litigant, the Judicial Officer may uphold the order of the Special  
          Commissioner or modify the ruling as appropriate.

14       B. Review of determination of supplemental application for deferral or waiver

15           Within twenty days of the date the court denies the supplemental application, the  
16           litigant may either pay the fees or request a hearing on the court's final order  
          denying further deferral or waiver. If the litigant requests a hearing, the court  
          shall not enter a consent judgment unless a hearing is held.

17       C. Application Fees

18           Pursuant to Arizona Supreme Court Administrative Order 2009-01, a filing fee  
19           was approved for all applications for deferral or waiver of court fees. This fee is  
20           subject to deferral or waiver as provided for in the above tiers.

21       **IV.** Any request for a deferral of a filing fee(s) which is presented at the Clerk of Superior  
22           Court deposit box or by mail will be processed in the same manner as when presented in  
23           person. The proper filing fee amount must be submitted with the documents or the filing  
24           cannot be accepted pursuant to A.R.S. §12-284. If the proper filing fee is not presented  
25           with the documents, the Clerk of Superior Court will make one attempt to call the  
26           telephone number in the request for fee deferment. The filing documents will be held for  
27           five (5) business days to allow the litigant time to provide the required payment. If the  
28           required fee is not provided within 5 business days, the documents will be mailed to the  
          address on the deferral request form and WILL NOT be considered as officially filed.